

**REMARKS****Claim Amendments**

Claims 1-84 have been canceled. New Claims 85-113 have been added.

Support for the new Claims 85, 98 and 111-113 can be found throughout the specification, for example page 2, lines 15-16 and at page 16, lines 1-3. Page 2, lines 15-16 states that the invention features “blends that *have* a first PHA and a second PHA...”. It is well recognized in Patent Law that “have” has the same meaning as “comprising”. As such, this description permissibly encompasses blends with more than two PHAs; and page 16, lines 1-3 states *inter alia* that the disclosed blends may have three different PHAs. Further support for new Claims 85, 98 and 111-113 is found in the paragraph bridging pages 16-17.

Support for new Claims 86-92 and 99-105 can be found throughout the specification, for example, at page 3, lines 17-24 and at page 26, lines 10-17.

Support for new Claims 93 and 106 is found throughout the specification and, for example, at page 3, lines 25-26.

Support for new Claims 94-97 and 107-110 can be found throughout the specification, for example, at page 4, lines 8-13; page 28, lines 15-23.

No new matter has been added.

**Priority Claim**

As requested by the Examiner, Applicants confirm that the instant application no longer claims the benefit of the U.S. Application No. 10/783,958.

**Objection of Claims 13, 19 and 65**

Claims 13, 19 and 65 have been canceled, thereby obviating the objection.

**Rejection of Claims 83 and 84 under 35 U.S.C. §112**

Claims 83 and 84 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 83 and 84 have been canceled, thereby obviating the rejection.

**Rejection of Claim 84 under 35 U.S.C. §102/103**

Claim 84 was rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Lee *et al.* (US 5,395,919).

Claim 84 has been canceled, thereby obviating the rejection.

Applicants' claimed invention as set forth in new Claims 85-97 is directed to a blend comprising three different PHA components. Applicants' claimed invention is also directed to an article comprising the blend of Claims 85-97, as set forth in new Claims 98-113.

Lee *et al.* teaches a new poly-β-hydroxy alkanoate (PHA) copolymer and method of making thereof. Lee *et al.* also discloses solution blending of poly-β-hydroxy butyrate (PHB) with the new PHA copolymer. Lee *et al.*, however, does not teach a blend comprising three different PHA components. In addition, there is no teaching or suggestion in Lee *et al.* to motivate one of ordinary skill in the art to make and use a blend comprising three different PHA components, as claimed in the instant application.

Therefore, new Claims 85-113 are novel and non-obvious in view of Lee *et al.* and thereby meet the requirements of 35 U.S.C. §§102 and 103.

#### **Rejection of Claims 1-7, 9, 11, 13-29, 36-49 and 52-82 under 35 U.S.C. §103**

Claims 1-7, 9, 11, 13-29, 36-49 and 52-82 were rejected under 35 U.S.C. §103 as being unpatentable over Hammond (US 5,646,217) and Zhao *et al.* (US 7,098,292).

Claims 1-7, 9, 11, 13-29, 36-49 and 52-82 have been canceled, thereby obviating the rejection.

Applicants' claimed invention as set forth in new Claims 85-97 is directed to a blend comprising three different PHA components. Applicants' claimed invention is also directed to an article comprising the blend of Claims 85-97, as set forth in new Claims 98-113.

Hammond teaches a polymer composition comprising a first component, which is a microbiologically produced polyhydroxyalkanoate (PHA), and a second component, which is a different microbiologically produced PHA or a synthetic polyester. Hammond, however, does not teach a blend comprising three different PHA components. In addition, there is no teaching or suggestion in Hammond to motivate one of ordinary skill in the art to make and use a blend comprising three different PHA components, as claimed in the instant application.

Zhao *et al.* teaches a blend of a PHA copolymer and an environmentally degradable thermoplastic polymer or copolymer. The environmentally degradable thermoplastic polymer or

copolymer may be a PHA polymer or copolymer. Zhao *et al.*, however, does not teach a blend comprising three different PHA components. In addition, there is no teaching or suggestion in Zhao *et al.* to motivate one of ordinary skill in the art to make and use a blend comprising three different PHA components, as claimed in the instant application.

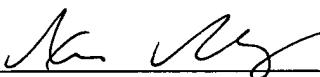
Therefore, Applicants' claimed invention as set forth in new Claims 85-113 are novel and non-obvious in view of Hammond and Zhao *et al.*

### CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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